In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

5    Claim Amendments

Claims 17, 18, 31, 35 are cancelled and claims 1, 9, 19, 23, 30, 32, 36, 40, 42, and 50-59 are amended as shown in the claims listing above.

Rejections to the Claims

10    *35 U.S.C. 103(a)*

Claims 1, 3-32, and 34-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over published U.S. Patent Application Number 2004 0175159 filed by Oetzel (herein referred to as "Oetzel") in view of U.S. Patent Number 6,925,474 issued to McGrath (herein referred to as "McGrath"). Applicant

15    respectfully traverses this rejection.

Applicant describes and claims, in at least some embodiments, a DVD metadata wizard that determines a DVD ID associated with a DVD and searches and retrieves metadata associated with the DVD from a metadata

20    database that is managed by a server. In at least some embodiments, a user can accept the returned metadata, modify the returned metadata, or enter user-supplied metadata to be associated with the DVD. The accepted, added, or

edited metadata is then associated with the DVD ID and stored in a local media library. (*Application, Summary.*)

Claim 1 recites:

5      A method implemented at least in part by a computing system, the method comprising:

     opening media content that is stored on a DVD;

     determining a DVD ID associated with the DVD;

     searching a database that contains DVD metadata based on the DVD ID;

10      displaying DVD metadata that is associated with the DVD ID in the database;

     receiving an indication of a user's acceptance of the DVD metadata that is displayed; and

     storing the DVD metadata that is displayed in a local media library

15 maintained in memory associated with the computing system and separate from the DVD, such that the DVD metadata is associated with the DVD ID in the local media library.

The combination of Oetzel and McGrath does not teach or suggest,

20 "storing the DVD metadata that is displayed in a local media library maintained in memory associated with the computing system and separate from the DVD, such that the DVD metadata is associated with the DVD ID in the local media library," as recited in claim 1.

Oetzel describes a DVD authoring process to simulate interactivity on limited-function playback devices, such as conventional DVD players. This is achieved by pre-processing and pre-creating the menus and other elements and then jumping from menu to menu. (*Oetzel*, Abstract.) Metadata is

5    preprocessed before writing the material to disc and hundreds or thousands of screens can be stored along with the actual music, video, etc. content. When the disc is generated, it can be sorted by metadata tags, a library can be compiled, and the software will then assemble the various menus and place them on the disc (along with the content) in a way compatible with the player.

10   (*Oetzel*, paragraph [0024].)

Oetzel does not teach or suggest "storing the DVD metadata that is displayed in a local media library maintained in memory associated with the computing system and separate from the DVD, such that the DVD metadata is associated with the DVD ID in the local media library," as claimed. Rather, as

15   described above, Oetzel teaches a DVD authoring process that includes writing metadata to the CD along with the media content in such a way that a simulated search of metadata stored on the CD can be provided to a user.

McGrath describes a video information retrieval system that includes a server system having access to one or more databases containing metadata

20   information relating to a plurality of video material items. The system also includes a receiver for receiving a search request from a client system and detecting one or more video material items for which metadata information stored in at least one of the databases substantially corresponds to the search

request. (*McGrath*, Abstract.) In other words, a user enters one or more keywords, which are compared to metadata found in one or more databases. Based on the retrieved metadata, the user can select one or more video items that may be of interest to the user.

5    While the Applicant describes and claims searching a database for metadata associated with a DVD based on a DVD ID, McGrath describes essentially a reverse process of searching for video content based on a keyword search of metadata associated with a plurality of video content items. Even if it is argued that McGrath teaches searching for metadata associated

10   with a DVD ID, McGrath does not teach or suggest, "storing the DVD metadata that is displayed in a local media library maintained in memory associated with the computing system and separate from the DVD, such that the DVD metadata is associated with the DVD ID in the local media library," as claimed.

Combining the teachings of Oetzel and McGrath would result in a system

15   in which a metadata database is searched in order to identify video content of interest, and in which video content and metadata can be written to a DVD in such a way as to simulate interactive search of data stored on the DVD. This differs significantly from the claimed subject matter, which enables searching a database that contains DVD metadata based on the DVD ID of an already

20   created DVD; and storing the DVD metadata that is displayed in a local media library that is maintained separate from the DVD.

With regard to, "storing the DVD metadata that is displayed in a local media library," as claimed, the Office agrees that Oetzel does not teach such an

element, but contends that the claimed element is taught by McGrath, column 3, lines 44-50. (*Office Action, page 3.*) The cited portion of McGrath states:

5

> The search is performed via a web search engine. The search engine communicates via a common gateway interface (CGI) on a server 110. The search engine converts the client request to a data base query 115 and the client request is output as a signal 125 to a metadata database 130A or, if so required, to a series of databases (130A, 130B, ...) distributed across the Internet.

10

This cited portion of McGrath clearly teaches a search of one or more databases accessible via the Internet, but does not teach or suggest, "storing the DVD metadata that is displayed in a local media library maintained in memory associated with the computing system and separate from the DVD,

15 such that the DVD metadata is associated with the DVD ID in the local media library," as claimed.

In response to the Applicant's previous arguments against the rejection of claim 1, the Office does not clarify how the combination of Oetzel and McGrath teaches or suggests, "storing the DVD metadata that is displayed in a

20 local media library maintained in memory associated with the computing system and separate from the DVD, such that the DVD metadata is associated with the DVD ID in the local media library." The Office contends that, "the combination of Oetzel and McGrath discloses a DVD in which the egg section of the DVD contains UMID information that will link to associated metadata that is either

25 purposefully not contained on the DVD or will not fit." The Office further states

that, "size of the DVD is a problem expressed with the Oetzel system disclosed in paragraph 0021 and is another motivating factor as to why an artisan of ordinary skill in the pertinent art would combine the two inventions."

Applicant disagrees with this interpretation of Oetzel, paragraph 0021.

5    Specifically, paragraph 0021 indicates that a bit budget can be presented, which indicates how much space remains on a particular DVD. The purpose of Oetzel's invention is to provide pre-rendered menus to simulate searching of metadata stored on a DVD. (*Oetzel, paragraph [0020]*.) There is no suggestion whatsoever to store the metadata anywhere other than on the DVD, as storing

10    the metadata elsewhere would not provide the data necessary to provide the pre-rendered menus.

Finally, Applicant believes that the §103 rejection based on the combination of Oetzel and McGrath is improper based on the requirement that there must be some reason, suggestion, or motivation from the prior art, as a

15    whole, for a person of ordinary skill in the art to have combined or modified the references. *See, In re Geiger*, 2 USPQ 2d 1276, 1278 (Fed. Cir. 1987). It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. One cannot use hindsight reconstruction to pick

20    and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fritch*, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992).

McGrath describes accessing one or more databases via the Internet to locate video content of interest based on a keyword search. Oetzel describes a

DVD authoring process that includes writing pre-formatted data to the DVD along with video content such that the pre-formatted data can be used to present a simulated search capability to a user. There is no suggestion in the prior art as a whole to combine the teachings for McGrath and Oetzel, as

5    suggested by the Office. Oetzel describes a single media (a DVD) that includes content and associated metadata that can be viewed by a user, while McGrath describes searching a database to locate media content of interest. There is no suggestion to combine Oetzel with McGrath because in Oetzel, the metadata and media content are both written to the DVD, so there is no need to search

10   for media content via an Internet accessible database, as described in McGrath.

The Office contends that combining the two inventions is supported by the disclosure of Oetzel, stating that, "Oetzel discloses that even while the disclosure uses a DVD for the purposes of illustration any medium can be used (See Oetzel paragraph 0037). The disclosure further supports the combination

15   by then disclosing some of the optical disk based mediums." (*Office Action, page 25.*). The cited portion of Oetzel states, "the various methods and techniques of the present invention can be applied to any interactive media, by which is meant a medium storing both presentation data and various menus, tables of content, or other display by which the user can select from the

20   presentation data." (*Oetzel, paragraph [0037].*) It is clear that Oetzel teaches storing both the media content and the metadata on the same medium, and lists various DVD and CD formats as examples, but does not suggest searching for media content of interest.

As described above, neither Oetzel nor McGrath, alone or in combination, teach or suggest the elements recited in claim 1. Accordingly, claim 1 is allowable over Oetzel in view of McGrath, and Applicant respectfully requests that the §103 rejection be withdrawn.

5

Claims 3-8 are allowable by virtue of their dependence on claim 1.

Claim 9 recites elements similar to those recited in claim 1. Accordingly, claim 9 is allowable for reasons similar to those stated above with reference to

10    claim 1.

Claims 10-16 and 19-22 are allowable by virtue of their dependence (direct or indirect) on claim 9. Furthermore, one or more of claims 10-16 and 19-22 may also be allowable for independent reasons. For example:

15

Claim 19 recites: the method as recited in claim 9, further comprising storing the DVD metadata that is displayed in a DVD user feedback data repository.

20    Neither Oetzel nor McGrath teach or suggest storing the DVD metadata that is displayed in a DVD user feedback data repository.

The Office cites the last four lines of Oetzel, paragraph [0038] as teaching, "storing the DVD metadata that is displayed in a DVD user feedback

data repository." (*Office Action, page 8.*) Applicant respectfully disagrees with this interpretation of the cited portion of Oetzel, which describes how users can submit metadata to be associated with the media content (e.g., a series of photos) when a DVD containing the media content is created. Oetzel describes

5   writing the metadata to the DVD along with the media content – not storing the DVD metadata in a DVD user feedback data repository. Because claim 19 depends from claim 9, Oetzel and McGrath would have to teach or suggest both, "**storing the DVD metadata** that is displayed, such that the DVD metadata is associated with the DVD ID **in a local media library**, wherein the

10  local media library is maintained in memory associated with the computing system and separate from the DVD," as recited in claim 9, **and**, "**storing the DVD metadata** that is displayed **in a DVD user feedback data repository**," as recited in claim 19. The Office has not provided sufficient support indicating that the combination of Oetzel and McGrath teaches or suggests storing the

15  DVD metadata that is displayed in both a local media library **and** in a DVD user feedback data repository. Accordingly, and by virtue of its dependence on claim 9, claim 19 is allowable over Oetzel in view of McGrath.

Claim 23 recites elements similar to those recited in claim 1.
20  Accordingly, claim 23 is allowable for reasons similar to those stated above with reference to claim 1.

Claims 24-29 are allowable by virtue of their dependence (direct or indirect) on claim 23. Furthermore, one or more of claims 24-26 may also be allowable for independent reasons. For example, claim 26 recites elements similar to those recited in claim 19. Accordingly, claim 26 is also allowable over Oetzel in view of McGrath for reasons similar to those stated above with reference to claim 19.

Claim 30 recites elements similar to those recited in claim 1. Accordingly, claim 30 is also allowable for reasons similar to those stated above with reference to claim 1.

Claim 32 recites elements similar to those recited in claim 1. Accordingly, claim 32 is also allowable for reasons similar to those stated above with reference to claim 1.

Dependent claims 33, 34, and 36-45 are allowable by virtue of their dependence on claim 32. Furthermore, one or more of claims 33, 34, and 36-45 may also be allowable for independent reasons. For example:

Claim 36 recites elements similar to those recited in claim 19. Accordingly, claim 36 is also allowable over Oetzel in view of McGrath for reasons similar to those stated above with reference to claim 19.

Claims 40 and 42 recite elements similar to those recited in claim 1. Accordingly, claims 40 and 42 are also allowable over Oetzel in view of McGrath for reasons similar to those stated above with reference to claim 1.

5          Claim 46 recites a system comprising:

a processor;

a memory;

a media player application stored in the memory and executed on the processor for playing media content stored on a DVD;

10         a media library stored in the memory for maintaining DVD metadata associated with the media content; and

a Wizard UI configured to enable a user to select DVD metadata to be associated with the media content, the DVD metadata to be stored in the media library.

15

Neither Oetzel nor McGrath, alone nor in combination, teach or suggest a media player application and a media library stored in the same memory. Oetzel describes storing metadata on a DVD along with the media content (*Oetzel*, Abstract), while McGrath describes metadata stored in multiple

20   databases accessible via the internet (*McGrath*, column 3, lines 44-50).

The Office agrees that Oetzel does not explicitly disclose a media player application stored in the memory and executed on the processor for playing media content stored on a DVD, and a media library stored in the memory for

maintaining DVD metadata associated with the media content. (*Office Action, page 18.*) The Office contends that McGrath paragraph [0033] teaches a media player application stored in the memory and executed on the processor for playing media content stored on a DVD, and that McGrath column 33, lines 44-50 teaches a media library stored in the memory for maintaining DVD metadata associated with the media content. (*Office Action, page 18.*)

It is unclear as to what portion of McGrath the Office is referencing with "paragraph [0033]" as the paragraphs of McGrath or not distinctly numbered. Furthermore, McGrath column 33, lines 44-50 describe performing a search against a database maintained by a server. If the Office is suggesting that the database is a media library as claimed, then it is clear from McGrath, Figure 2, that the database is maintained by a server 110, and not by a client 100, which can then play media content obtained from video server 140. (*McGrath, Figure 2.*) The combination of Oetzel and McGrath does not suggest a media player application and a media library stored in the same memory. In response to the Applicant's previous arguments with regard to claim 46, the Office states:

> If there was not a media player application stored in memory then the media would not play. Therefore all that needs to be disclosed is a media library stored in memory, and as disclosed in Oetzel while a DVD is used for illustration purposes, any medium can be used. (*Office Action, page 26.*)

This statement by the Office is contradictory to the reasons given for rejecting claims 1, 23, 31, 35, and 42 in which the Office states that Oetzel does

not disclose storing the DVD metadata that is displayed in a local media library. (*Office Action, pages 3, 9, 12, 14, an 16.*) Applicant does not believe that the combination of Oetzel and McGrath teaches or suggests the elements recited in claim 46. Furthermore, Applicant does not believe that the Office has provided

5 a clear explanation of how the combination of Oetzel and McGrath may teach or suggest the claimed elements. Accordingly, claim 46 is allowable over Oetzel in view of McGrath, and Applicant respectfully requests that the 103 rejection be withdrawn.

10         <u>Claims 47-49</u> are allowable by virtue of their dependence on claim 46.

        <u>Claim 50</u> recites elements similar to those recited in claim 1. Accordingly, claim 30 is also allowable for reasons similar to those stated above with reference to claim 1.

15

        <u>Claims 51-54</u> are allowable at least by virtue of their dependence on claim 50.

        <u>Claim 55</u> recites elements similar to those recited in claim 1.

20 Accordingly, claim 55 is also allowable for reasons similar to those stated above with reference to claim 1.

Claims 56-59 are allowable at least by virtue of their dependence on claim 55.

Claims 2 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oetzel in view of McGrath, and further in view of U.S. Patent Number 6,701,478 issued to Yang (herein referred to as "Yang"). Applicant respectfully traverses this rejection.

Yang describes a system and method to generate a CRC (cyclic redundancy check) value using a plurality of CRC generators operating in parallel. (*Yang*, Abstract.)

Claims 2 and 33 are allowable as depending from an allowably base claim and for their own recited features which are neither shown nor described in the references of record. In addition, to the extent that claims 1 and 32 are allowable, the further rejection of claims 2 and 33 over the reference to Yang is not seen to add anything of significance.

## Conclusion

Claims 1-16, 19-30, 32-34, and 36-59 are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents

5  immediate issuance of the application, the Examiner is encouraged to contact the undersigned agent to discuss the unresolved issue.

10

Respectfully Submitted,
Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201

Dated: _8/3/06_

15

Name: Kayla D. Brant
Reg. No. 46,576
Phone No. (509) 324-9256 ext. 242